

EXHIBIT 1



Entered on Docket
April 21, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320
Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com
Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
COTTONWOOD HILLS, LLC LOAN**

Hearing Date: April 17, 2008
Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Cottonwood Hills, LLC Loan (the "Objection") [DE 6013]. Adequate
4 notice of the Objection was given. The Court heard the Objection on April 17, 2008. No
5 responses were filed to the Objection and no opposition was raised at the hearing. Good
6 cause appearing,

7 IT IS ORDERED:

- 8
- 9 • Sustaining the Objection;
 - 10 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
11 are based upon an investment in the Cottonwood Hills, LLC Loan. The Proofs
12 of Claim listed in Exhibit A are not affected by this order to the extent they are
13 based upon an investment in a loan(s) other than the Cottonwood Hills, LLC
14 Loan; and
 - 15 • Reserving the right of any party in interest, including the USACM Trust, to
16 further object to the Proofs of Claim listed on Exhibit A attached.

17 ###

18 PREPARED AND SUBMITTED:

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)

21 Susan M. Freeman

22 Rob Charles

23 John Hinderaker

24 *Attorneys for USACM Liquidating Trust*

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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 ☐ The Court waived the requirements of approval under LR 9021.
- 4 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 5 in the case.
- 6 ☒ No opposition was filed to the motion and no other party or counsel appeared at
- 7 the hearing.
- 8 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 9 parties who have appeared at the hearing, and any trustee appointed in the case,
- 10 and each has approved or disapproved the order, or failed to respond, as
- 11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ RC (#0006593)

14 Susan M. Freeman

15 Rob Charles

16 John Hinderaker

17 *Attorneys for USACM Liquidating Trust*

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COTTONWOOD HILLS
Multiple Loan Claims

EXHIBIT A
SECOND OMNIBUS OBJECTION

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Cottonwood Hills Loan
10725-00650	Alamo Family Trust Dtd 12/30/86	c/o Antonio C. Alamo Trustee 85 Ventana Canyon Drive Las Vegas, NV 89113	Unclear	Unclear
10725-02038	Collins Family Trust Dated 1/29/93	c/o Shirley M. Collins Trustee 1975 Snowberry Court Carlsbad, CA 92009-8408	\$880,190.24	\$50,000.00
10725-00816	Joseph and Ardee Daraskevius	2761 Kiowa Boulevard South Lake Havasu City, AZ 86403	\$275,000.00	\$100,000.00
10725-00865	Joseph and Ardee Daraskevius	2761 Kiowa Boulevard South Lake Havasu City, AZ 86403	\$275,000.00	\$100,000.00
10725-02143	Michael Freedus	2535 Lake Road Delanson, NY 12053	\$355,812.10	\$50,000.00